

*1978*

16 February 1978

TO: Director of Central Intelligence

FROM:  Acting Legislative Counsel

1. Per your request, I tried my best late last night between Panama/Assassinations and other issues, to give you my candid analysis of the tasks facing you and various organizational arrangements to contend with them. I would have written this out in long hand but I have trouble in even reading my own writing and it certainly would not have been legible at this length.

2. I do believe that the attached paper covers Congressional and Administration expectations of your role in legislative matters.

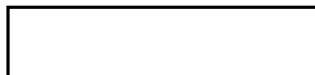
3. The organizational alternative (E) on page 8 is, I think, the soundest plan. It will facilitate  accomplishing the tough task he's got. Yet it will retain to the maximum the expertise, experience and motivation of the present OLC organization which I do feel has served very well in the face of ever increasing burdens. More needs to be done and no matter which way you go you will need more resources to get the job done. I am in the middle of reorganizing OLC to increase the effectiveness of our fire brigade, to increase the timeliness and quality of our support to you, and to do this in a way to be pro-active and to give the time and attention needed to develop strategies and put together policy packages for you in the interest of reducing to the bare minimum the necessity to make policy judgments on a crisis and daily basis while at the same time contending with, under your guidance, but a minimum of your personal involvement, the requirements of eight so-called oversight committees, the other disparate committees,  the Assassination Committee,  and the other routine business with no flaps.

4. I am sure that I can read over the analysis I prepared last night and find holes in it, but I think the key essential, important points are there. The one I believe that is most important and why I believe that you must have an OLC which is involved in the totality of your relationships with the Congress, is that you must be able to get the advice and counsel of an objective input from someone who stands between the Congressional requestors and your program and organizational managers. Congressional liaison, as a profession, has become increasingly complex and legalistic over the years and you must, I believe, make sure that you receive advice and counsel from someone who is not tied to any one of your program needs, including that of your Resource Managers, probably the most enhanced responsibility you now have. Someone has to be able to give you the message even if it is not what your other principal deputies and assistants would like to hear. You need this independent, informational input to offset the limited perspective which exists both within the Congress and within the individual components under your command or for which you have some type of responsibility.

5. You also I believe, together with Frank Carlucci, must decide what role you want your Legislative Counsel to play. That too has a very important bearing on the organizational arrangement that you select; but also, just as importantly, has a bearing on who you select to do the job. It is also important that once you decide what role you want your Legislative Counsel to play, you clearly communicate it throughout the Community.

6. The loss of George Cary is a great one. We must make internal adjustments in the office to attempt to fill that gap that he has left behind. I am gratified by your personal kind words to me which I take as also reflecting favorably upon the extremely hardworking people in OLC. Our people have built up a number of sound relationships on the Hill and within the legislative bureaucracy within the Executive Branch and this has gone a long way I believe in helping us to the extent that we have succeeded in avoiding flaps, in avoiding needless confrontations and in serving your objectives in all of your hats and you should know that we will continue to loyally serve you and what you stand for no matter what your final decision is.

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### OLC CONCEPT

How the DCI organizes to deal with his Hill role is dependent upon the totality of the tasks facing him, the support services needed and a determination of the role he envisages for his Legislative Counsel. Illustrations of the factors involved in this equation are:

#### I. Legislative Counsel Role (four variations) --

A. DCI/DDCI essentially their own Legislative Counsel from a profile basis on major accounts.

B. Legislative Counsel a peer of members (high profile, possibly former members, Governors, etc.)

C. The Legislative Counsel essentially providing for across-the-board support for dealings with the Hill and concentrating on the bureaucratic structure supporting the Congress, e.g., committee staffs, personal staffs, handling member accounts under DCI/DDCI guidance, etc.

D. Same as C but assign to Resource Manager special role on dealing with committees on resource matters.

#### II. Tasks --

A. Contending with initiatives and requirements of law, etc., with eight committees having significant oversight charters on the following:

-- Organizational and program investigations

-- Investigation of alleged illegalities or improprieties

-- "Keeping committees fully and currently informed"

-- Substantive intelligence

- Covert action reporting

- Authorization, appropriation,  
expenditures (Reserve/reprogramming)

- Legislation

- Overseas travel

B. Contending with other disparate committees  
on their narrower asserted jurisdiction such as:

- Freedom of Information (Government Ops)

- Nuclear matters (Interior, Commerce)



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- Assassinations

- Studies of embassies and costs  
(House Government Operations Subcommittee  
on Legislation & National Security)

- Information bearing on nominations

- Various committees etc., etc., etc.

- Congressional Budget committees

C. Provisioning of substantive intelligence to  
disparate committees (papers, briefings, hearings,  
publications, etc., e.g., Joint Economic Committee,  
Merchant Marine & Fisheries, Commerce, Banking  
and Currency, ad hoc committees)

D. Non-committee (individual members, etc.)

-- Constituent inquiries (correspondence and personal handling)

-- Breaking bread with members (e.g., Congressional classes, freshman members)

-- Briefings

-- Special problems

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-- Overseas travel (Congressional delegations, individuals)

E. Other Congressional

-- GAO

-- Library of Congress

-- Congressional Budget Office

-- Office of Technology Assessment

F. Coordination within Executive Branch on Legislative Affairs

-- White House (Frank Moore's office)

-- NSC (Schecter/Hoskinson)

-- OMB (Legislation/investigations)

-- Other Executive agencies (DOD/State/Justice/and other Legislative Liaison offices within the Executive Branch)

III. Support Needed --

A. Symmetry (standardized rules and procedures with both Hill and Intelligence Community understanding what you expect of them)

- Security
- Clearances (access)
- Sweep and monitor
- Storage
- Leaks
- Memoranda of Understanding
- Limiting proliferation of sensitive information

B. Institutional Memory

- Continuity
- Focal point (prevent end runs)
- DCI eyes and ears (keep him aware, prevent blindsiding)

C. Contribution to policy decisions

- Objective advice and counsel as bridge between program managers and Hill
- Information input
- Coordination of legislative liaison offices concerned and with congressional committees/members

D. Strategy

- Develop, recommend, implement

E. Congressional relations

- Service to Congress
  - Correspondence
  - Street work
    - Details
    - Security
    - Setting up briefings
    - Follow-ups
    - Agenda
    - Witnesses
  - -- Develop friendly relationships before you need their help
- F. Legislation (including charter legislation)
- Draft
  - Review all bills against program needs to avoid impingement and grab opportunities
  - OMB/ Executive Branch coordination and review of other IC components positions and reports
  - Informal Hill soundings
  - Prepare views letters
  - Facilitate changes and amendments to bills impacting adversely on intelligence activities

G. White House liaison on Congressional matters

H. Executive Branch LL's - Liaison/coordination

I. Soundings of committees and key members on upcoming issues

IV. Organizational Alternatives --

A. DCI/OLC (would handle all matters under DCI jurisdiction plus coordinate on NSA, DIA, State, NSA, NSC etc.).

1. Pros

- Full control
- Objective advice and counsel
- Centralize focal point
- Symmetry and enhanced coordination
- full coverage of tasks, follow-ups, etc.
- Specialists in Congressional relations

2. Cons

- Very large staff
- Turf problems (department heads, etc.)
- Fully centralized system. Assumes heavy responsibility without guaranteed payoff and could cause problems by assuming responsibility where DCI lacks command control

B. Small OLC with OLCs in each IC or  
IRA entity

1. Pros

-- No turf problems

-- Low visibility

2. Cons

-- No single focal point

-- Increase blindsiding prospects

-- Variable procedures

-- Would split current OLC experience/expertise

C. Status Quo

1. Pros

-- Current OLC remains intact

-- Limited turf problems

-- Major participation in control

2. Cons

-- Lacks degree of expertise needed in  
resource matters

-- Questionable effectiveness and  
efficiency in dealing with across-the-board  
resource matters

-- Collegial centralized approach only with  
little clout unless DCI directly involved

D. CIA/OLC only

1. Pros

- No turf problems
- Current OLC staff could be reduced
- Better specialization

2. Cons

- Loss of across-the-board objective advice and counsel
- No standardized procedures IC-wide
- No control

E. DCI/OLC with assignment of principal Congressional support on resource matters to your Resource Manager with OLC in the general coordination/information loop so that it can support you in all of your tasks. In addition, OLC will render to your Resource Manager the same type of support services as we do with your other principal deputies to assure he is properly informed of all Hill action that may impact on his job. This would require formalizing your enhanced Congressional role under the Executive Order as principal spokesman on national intelligence judgments, on legislative matters of common concern, as focal point for Congressional investigations which touch on or require the assistance of the Intelligence Community and in presenting and justifying the overall shape of the NFIP budget. NFIP program managers would have to be put on notice that you intend some strengthening of your Congressional functions. Besides what needs to be done in the resource management area, this would require centralization of information within your OLC and an invitation to program managers to participate in further developments in coordination and information exchange. A notice to program managers along the lines of the attachment should do the trick.

1. Pros

- Increase central authority incrementally based on actual experience under the new Executive Order

- Increase knowledge of Congressional contacts taking place throughout Community

- Increase knowledge on positions being developed by Community members on legislative matters

- Increase the opportunity to exploit avenues available throughout the Community for providing substantive intelligence

- Provide basis for a Community-wide effort to improve Community coordination of Congressional relations

- Retain existing OLC capabilities with minimum disruption of effort (institutional memory, continuity, relationships, etc.)

- Increase efficiency and effectiveness in dealing with resource management problems

- Minimize fractionalization among the constituent elements of your various responsibilities under Executive Order and retain effective centralized coordination

- Enhances symmetry (see III A, page 4)

- Decrease blindsiding throughout the Community

- Consistent with Presidential directive in E. O. 12036 (I-813) which provides among other things that the Central Intelligence Agency will "provide...legislative services...to the Office of the Director of Central Intelligence."

- Minimizes staff growth needed to support you in your enhanced Congressional responsibilities

- Should appeal to Appropriations Committees and reduce perception with the Community that OLC handling resource matters with bias towards CIA

- Would not establish precedent for other separate staff officers in areas such as General Counsel, Inspector General for your other principal deputies

## 2. Cons

- May raise turf problems with department heads

- Requires coordination across command lines